

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

SALA NAAMBWE AND YVETTE NIMENYA,  Plaintiffs,  vs.  SMITHFIELD FOODS,  Defendant.	<b>Case No.: 4:17-cv-04123-LLP</b>  <b>PLAINTIFFS' RULE 26(a)(3) AMENDED EXHIBITS DISCLOSURE</b>
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COME NOW the Plaintiffs in the above-entitled matter, and pursuant to the Court's Scheduling Order dated July 31, 2018 (Doc # 43) and F.R.C.P. Rule 26(a)(3), submit the following amended list of exhibits anticipated to be offered by the Plaintiffs at the trial of this matter to be held on October 23, 2018:

Ex. # SUMMARY DESCRIPTION

Deposition Exhibits 1-58, including:

- 1 Nimenya Acknowledgement form
- 2 Smithfield Employee Handbook
- 3 Smithfield Code of Conduct and Ethics Handbook
- 4 Incident intake report form
- 6 Charge of Discrimination
- 7 Incident intake report form

- 8 Reed 3/3/16 email
- 9 Moate 3/4/16 email
- 10 Memo of 3/22/16 meetings (smoke meat wash incident)
- 11 2/15/17 handwritten note
- 12 Photographs of Smithfield workplace
- 14 "Dear management" handwritten document
- 15 HR Incident intake report (2/22/16)
- 16 2/22/16 Genzler warning
- 17 4/4/16 NLRB letter
- 18 Charge of Discrimination
- 19 Naambwe Acknowledgement and Sexual Harassment Training form
- 20 Naambwe TPO documents
- 21 Local 304A Grievance From 8/26/16
- 22 Debry email re: Naambwe follow up
- 23 Derby 9/12/16 email
- 24 Smithfield Warning notice
- 25 Smithfield honeyline documentation
- 26 FMLA Notice
- 27 Collective Bargaining Agreement
- 28 Reed 4/4/16 email

29 8/23/16 UFCW grievance

30 Derby 8/29/16 email

31 12/8/16 warning

32 UFCW grievance

33 7/18/17 UFCW grievance

34 9/13/17 email

35 1/12/18 email

36 1/16/18 warning

37 3/27/18 warning

38 3/29/18 warning

39 4/2/18 email

40 4/4/18 incident report form

41 12/8/16 warning

41 Naambwe 12/8/16 disciplinary action

42 2/22/16 warning notice

43 8/15/17 incident report

44 2/22/16 incident intake report form

45 Loger 1/12/17 email

46 1/12/17 email

47 Argus Leader article posted in facility

- 48 Reed 2/29/16 email
- 49 3/18/16 Summary of events
- 50 3/22/16 documentation smoke meat wash report
- 51 Absence report form
- 52 12/6/16 warning notice
- 53 2/15/17 handwritten notes
- 54 3/22/18 UFCW letter
- 55 4/12/18 grievance
- 56 1/17/18 UFCW grievance summary
- 57 8/15/17 power point
- 58 8/15/17 email

*Additional records not offered at deposition:*

- 59 Ogaldez personnel file records: Disciplinary records from 4/4/17; 2/8/17; 7/22/16; 3/18/16; 4/2/15/ and 1/29/15, Defendant's Disclosures, p. 919-921.
- 60 Genzler personnel file records: Disciplinary records from 3/9/16; 3/28/16; 7/23/15; and 12/14/16, Defendant's Disclosures, p. 903, 904, 907, 909, 910.
- 61 Hultman personnel file records: Performance appraisal 2015-2016, Defendant's Disclosures, p.845-852; Disciplinary records from 2/10/16 and 8/7/17, Defendant's Disclosures, p. 858-862; Naambwe notes in Hultman file, Defendant's Disclosures, p.853-857.
- 62 Loger personnel file records: Performance appraisal 2017, Defendant's Disclosures, p.865-67; Performance appraisal 2013-2016, Defendant's Disclosures, p.868-881; Disciplinary records from 8/11/16 and 2/11/16, Defendant's Disclosures, p. 882, 883; Genzler/Naambwe notes in Loger file, Defendant's Disclosures, p.884-901, 902.

- 63 12/22/14 Notes re: Ogaldez incident, Defendant's Disclosures, p. 923-926.
- 64 2/26/16 Notes re: Genzler, Defendant's Disclosures, p.282-283.
- 65 3/3/16 Moate email notes re: Genzler, Defendant's Disclosures, p. 279-281.
- 66 4/1/16 Meeting notice re: "harassment concern", Defendant's Disclosures, p. 254.
- 67 4/5/16 Moate notes re: Salgadez, Defendant's Disclosures, p. Defendant's Disclosures, p. 291.
- 68 4/17/16 Moate email re: Naambwe pay adjustment, Defendant's Disclosures, p. 269-271.
- 69 7/15/16 Moate email re: job pay, Defendant's Disclosures, p. 292.
- 70 8/26/16 Derby/Reed email re: Lisa Christion statement, Plaintiff's Disclosures, p. 539.
- 71 8/26/16 Naambwe meat throwing complaint documentation, Defendant's Disclosures, p. 200-216.
- 72 9/12/16 meeting notice re: Naambwe follow up, Defendant's Disclosures, p. 218.
- 73 Derby email re: Naambwe follow up meeting and Arby's, Defendant's Disclosures, p. 548.
- 74 7/15/16 Derby email re: Naambwe compensation, Defendant's Disclosures, p. 223.
- 75 9/16/16 Moate email re: Becky Kaufman report Defendant's Disclosures, p, 228-229.
- 76 10/4/16 Reed email re: Respectful Communications, Plaintiff's Disclosures, p. 712-713.
- 77 12/12/16 Reed email, investigative notes, Defendant's Disclosures, p. 230-232.

- 78 3/1/17 mediation notice, Defendant's Disclosures, p. 255.
- 79 3/28/17 Moate email re: Naambwe going home, Defendant's Disclosures, p. 247.
- 80 4/14/17 Loger email re: restraining order, Defendant's Disclosures, p. 326.
- 81 4/18/17 Moate email re: Lisa Christion interview, Defendant's Disclosures, p. 285-286.
- 82 7/25/17 Reed email re: Loger and Naambwe, Defendant's Disclosures, p. 257.
- 83 8/15/17 Henle/Reed email re: smoked ham incident, Defendant's Disclosures, p. 318-322.
- 84 8/16/17 Fleming/Reed email, Defendant's Disclosures, p. 358-361
- 85 8/16/17 Dakota Mills email and smoked meat investigative documentation, Defendant's Disclosures, p. 171, 404-410.
- 86 8/29/Derby/Loger investigation notes, Plaintiff's disclosures, p. 546.
- 87 9/9/17 Henle/Reed email re: Naambwe and Nimenya, Defendant's Disclosures, p. 300.
- 88 9/13/17 Motley/Reed email about Hultman incident, Defendant's Disclosures, p/ 155.
- 89 9/13/17 Investigation notices, Defendant's Disclosures, p. 306-310.
- 90 11/2/17 Henley/Reed email re: Naambwe, Defendant's Disclosures, p. 297.
- 91 12/26/17 Reed email re: Ozzie/Naambwe photo incident, Defendant's Disclosures, p. 258-263.
- 92 1/5/18 Derby email about photo, Defendant's Disclosures, p. 237.

- 93 1/12/18 Reed/Motley email re: grievance, Defendant's Disclosures, p. 348.
- 94 1/16/18 Disciplinary record, Defendant's Disclosure, p. 330.
- 95 1/17/18 Reed email regarding photo, Defendant's Disclosures. p. 182, 336.
- 96 1/17/18 Derby note regarding bathroom use, Defendant's Disclosure, p. 238.
- 97 1/19/18 Naambwe grievance, Defendant's Disclosures, p.949.
- 98 2/1/18 Moate email re: complaints in Dept. 19D, Defendant's Disclosures, p. 266-268.
- 99 3/27/18 Moate email re: Abigail issue and disciplinary action, Defendant's Disclosures, p. 240-42.
- 200 3/28/18 Moate email re: Abigail issue, Defendant's Disclosures, p. 273.
- 201 3/30/18 Naambwe grievance, Defendant's Disclosures, p. 957
- 202 4/2/18 Reed email re: warning notes re: Abigail issue, Defendant's Disclosures, p. 274-275.
- 203 4/11/18 Naambwe grievance, Defendant's Disclosures, p. 948.
- 204 5/18/18 Reed email re: Nimenya incident, Defendant's Disclosures, p. 287-288.
- 205 7/5/18 Moate email re: new assingment, Defendant's Disclosures, p. 269.
- 206 8/6/18 Derby email on Respectful Communication, Defendant's Disclosures, p. 226.
- 207 2018 Union grievance records, Defendant's Disclosures, p. 928-944.
- 208 Motley/Reed correspondence about Naambwe grievances, Defendant's Disclosures, p. 937-938, 1014.


209 Naambwe hours/pay, Defendant's Disclosures, p. 391-398.

210 Nimenya W2's

211 Naambwe W2's

Dated this 18<sup>th</sup> day of September, 2018.

JOHNSON, POCHOP & BARTLING



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